

REMARKS

This Amendment is being submitted in response to the Office Action mailed in the application on August 31, 2005. Claims 5, 8, 9, 11-14 and 17-22 have been cancelled without prejudice. Claims 23-31 have been added. Authorization is granted to charge our deposit account No. 03-3415 for any fees necessary for entry of this Amendment.

The Examiner has rejected applicant's claims 12, 20 and 22 under 35 USC §101 as being directed to non-statutory subject matter. The Examiner has also rejected applicant's claim 17 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled claims 12, 17, 20 and 22, thereby obviating the Examiner's rejections with respect to these claims.

The Examiner has rejected applicant's claims 20-22 under 35 USC §102(e) as being anticipated by the Arai (U.S. Pat. No. 6,714,920) patent. The Examiner has also rejected applicant's claims 5, 11, 12 and 17-19 under 35 USC §103(a) as being unpatentable over the Tsumura (U.S. Pat. No. 5,842,023) in view of the Arai patent. Claim 8 has been rejected under 35 USC §103(a) as being unpatentable over the Tsumura and Arai patents and further in view of Dedrick (U.S. Pat. No. 6,016,509) patent. Applicant has cancelled applicant's claims 5, 8, 9, 11-14 and 17-22 without prejudice, and with respect to these claims, the Examiner's rejection is therefore now moot.

The constructions recited in applicant's newly added claims 23-31 are not taught or suggested by the cited art of record. Applicant's new independent claim 23 recites a billing management system in which a multifunction apparatus and a billing management apparatus can communicate via a network, the system comprising a multifunction apparatus that

comprises memory box creating means for creating a memory box corresponding to predetermined memory, reception means for receiving a document via a communication line, accumulation means for accumulating the document in the memory box, recording means for recording upon reception of the document in association with a memory box at least one of the following status information: the file size, time, the communication line type used and/or the communication speed, and transmission means for transmitting the recorded status information to the billing management apparatus, and the billing management apparatus which comprises management means for managing the unit-cost of information, and calculation means for calculating the billing amount for the memory box based on the unit-cost of information and the transmitted status information. Applicant's new independent claim 25 recites a multifunction apparatus having similar features and applicant's new independent claim 31 recites a method for controlling a multifunction apparatus having similar features.

The cited references fail to teach or suggest recording upon reception of a document in association with a memory box status information including at least one of the file size, the time, the communication line type used and/or the communication speed and transmitting the recorded status information to a billing management information. With respect to the Tsumura patent, Tsumura teaches transmission of attribute data (21), which includes attributes for the main body of information (24) such as whether storing of the main body of information is permitted, accompanying data (23), and region data (22) which has an address pointer for the accompanying data, via a communication connector (2) to an information service processor and storing of the attribute data, region data and accompanying data in the storage device (7). Col. 12, lines 13-63. The Tsumura patent also teaches that the main body of information is

transmitted following the accompanying data, and that if storing of this information is permitted, then it is stored in the storage device (7) or in a file device (8). Col. 12, lines 43-50.

There is no mention in Tsumura of recording status information that includes at least one of the file size, time, the communication line type used and/or the communication speed. Rather, the attribute data, region data and accompanying data include data that defines the way each region of the main body of information may be used, such as whether the main body of information can be stored, who can use the main body of information and how the main body of information can be used. See, FIGS. 2-4. In addition, there is no teaching or suggestion in the Tsumura patent of recording the status information upon reception of the document in association with a memory box. Instead, Tsumura teaches that the information relating to the main body of information (attribute data, region data and accompanying data) is stored in the storage device before the main body of information is transmitted. Finally, there is no teaching in Tsumura of transmitting the recorded status information to a billing management apparatus. In Tsumura, the accompanying data, which includes charging information, is transmitted and stored in the storing device and used by the copyright information manager (5) to charge a fee. See, Col. 15, line 65 to Col. 16, line 13.

Applicant's independent claims 23, 25 and 31, each of which recite the features of recording upon reception of the document in association with a memory box at least one of the following status information: the file size, time, the communication line type used and/or the communication speed, and of transmitting the recording status information for a billing management apparatus, thus patentably distinguish over the Tsumura patent.

With respect to the Arai patent, Arai also fails to teach or suggest these features. In particular, the Arai patent discloses an information distribution system that includes a server

apparatus (1), an intermediate transmitting apparatus (2) and a portable terminal apparatus (3), wherein information is uploaded from the server (1) to the intermediate transmitting apparatus (2) and thereafter downloaded by the portable terminal (3) for which the portable terminal is charged using the intermediate transmitting apparatus. Col. 4, lines 30-65. The Arai patent discloses that the intermediate transmitting apparatus (2) is provided with retrieval information related to the downloaded information from the server (1) "at a certain opportunity so that the information is memorized by the intermediate transmitting apparatus." Col. 9, lines 20-54. Further, the Arai patent discloses that after demand for information and charging is supplied to the server (1) from the intermediate transmitting apparatus (2), billing processing is carried out by transmitting data for transmitting information corresponding to the demand information and for permitting charging for the demanded information and carrying out control of the amount billed after the use of the information is grasped based on the transmitted demand information. Col. 8, lines 42-58.

The Arai patent makes no mention of status information that includes at least one of the file size, time, the communication line type and/or the communication speed or of recording the status information upon reception of the document in association with a memory box. Further, there is no teaching or suggestion in the Arai patent of transmitting the status information to a billing management apparatus. In contrast, the retrieval information in the Arai patent includes information such as name and commercial information (Col. 12, lines 27-67) and is recorded "at a certain opportunity," not upon reception of the document in association with the memory box. Further, the data for transmitting information and permitting a charge Arai is transmitted after receipt of the demand for information and there is no teaching or suggestion that such data comprises status information or that it is recorded upon reception of the document.

Accordingly, applicant's independent claims 23, 25 and 31, all of which recited the above features, also patentably distinguish over the Arai patent and the combination of the Tsumura patent with the Arai patent.

Finally, the Dedrick patent adds nothing to the Tsumura and the Arai patents to change the above conclusions. In particular, Dedrick discloses storing information relating to content databases of the publisher/advertiser and does not teach or suggest recording upon reception of the document in association with a memory box at least one of the following status information: the file size, time, the communication line type used and/or the communication speed, and transmitting the recorded status information to a billing management apparatus.

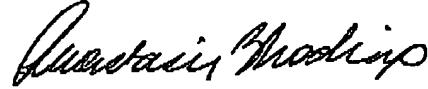
Applicant, therefore, submits that the cited Tsumura, Arai and Dedrick patents, either alone or in combination, do not teach or suggest the multifunction apparatus or the control method of applicant's new independent claims.

In view of the above, it is submitted that applicant's new independent claims 23, 25 and 31, and their respective dependent claims, all patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9286.

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Respectfully submitted,



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